

SCOTT ERIK ASPHAUG, OSB #833674  
United States Attorney  
District of Oregon  
**THOMAS S. RATCLIFFE, ILSB #6243708**  
Assistant United States Attorney  
[Thomas.Ratcliffe@usdoj.gov](mailto:Thomas.Ratcliffe@usdoj.gov)  
1000 SW Third Avenue, Suite 600  
Portland, OR 97204-2902  
Telephone: (503) 727-1000  
Attorneys for United States of America

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

**UNITED STATES OF AMERICA**

**3:20-cr-00465-JO**

**v.**

**MOTION TO DISMISS WITHOUT  
PREJUDICE**

**KEVIN PHOMMA,**

**Defendant.**

The government moves the Court for an Order under Fed. R. Crim. P. Rule 48(a) to dismiss *without* prejudice the indictment against Defendant, in the best interests of justice.

Dated: January 26, 2022

Respectfully submitted,

SCOTT ERIK ASPHAUG  
United States Attorney

/s/ Thomas S. Ratcliffe  
THOMAS S. RATCLIFFE, ILSB #6243708  
Assistant United States Attorney

**Motion to Dismiss Without Prejudice**

**Page 1**  
Revised February 2021